

Serial No. 10/648,297  
Amdt. dated **September 23, 2005**  
Reply to Office Action of May 23, 2005

Docket No. CIT/K-0019C

### **REMARKS/ARGUMENTS**

Claims 33-38 remain pending. Applicants note with appreciation the Examiner's indication that the claims appear to be substantially in condition for allowance. Claim 34 has been amended above as suggested by the Examiner and claim 37 has been amended to conform to the Examiner's interpretation thereof. No new matter has been introduced by any of these amendments.

In the outstanding Office Action, the Examiner has provisionally rejected claims 33-38 under the judicially created doctrine of obviousness-type double patenting over co-pending U.S. Patent Application No. 10/654,457. Although this is only a provisional rejection and Applicants to not accede to the Examiner's characterization of the claim scope, solely in an effort to expedite prosecution, Applicants are submitting herewith a terminal disclaimer. Accordingly, this ground of rejection has been obviated and the rejection should be withdrawn.

The Examiner had also objected to claims 34 and 37 for certain informalities. In response, Applicants have amended these claims as shown above. Withdrawal of the outstanding objections is requested.

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### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Donald R. McPhail, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP

Daniel Y.J. Kim, Esq.  
Registration No. 36,186

Donald R. McPhail, Esq.  
Registration No. 35,811

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK/DRM/lm

**Date: September 23, 2005**

**Please direct all correspondence to Customer Number 34610**